IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 9187 of 1995

Between:

1 Raji Reddy , S/o Rami Reddy
2 Varga Gal Reddy S/o.Mallareddy
3 S.Yadagiri S/o.Naramaiah
4 B.Dasttadri @ Dattatreya Goud S/o.M.S.Goud

..... PETITIONER(S)

AND

1 The Dist. Collector,
Medak at Sangareddy
2 The Revenue Divisional Officer
Siddipet, Medak Dist.
3 The Mandal Revenue Officer
Siddipet, Medak Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of mandamus forbearing the respondents from interfering with physical and lawful possession over an extent of Ac.1-00 of land in Sy.No.1304 situated at Lingareddipally village, Siddipet Mandal, Medak Dist., by declaring the same as illegal and void.

Counsel for the Petitioners:MR.T.SUBRAMANYAM, Advocate

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

.

ORDER:

This Writ Petition is filed questioning interference of the respondents with the land of the petitioners, admeasuring 1.00 acre situated in Sy.No. 1304 of Lingareddipally village, Siddipet Mandal, Medak District.

It is the case of the petitioners that they have purchased this piece of land by registered sale deed from its original owner and possessor and thereafter, they are in continuous and uninterrupted possession of the same. Further it is their case that though they are in possession by virtue of their purchase from the earlier owner and possessor, the respondents are interfering with their possession, without issuing any notice, conducting any enquiry, and, serving any orders on them.

In the counter affidavit filed on behalf of the respondents, it is stated that the said land was an assigned land, and the same was sold to the petitioners in contravention of the provisions of the A.P. Assigned Lands (Prohibition of transfers) Act, 1977; as such, orders were passed, for resumption of the land, under Section 3 (2) of the A.P. Assigned Lands (Prohibition of transfers) Act, 1977.

However, it is submitted by the learned Counsel for the petitioners that no orders have been communicated to any of the petitioners at any point of time, as stated in the counter affidavit. Against the orders passed under Section 3(2) of the A.P. Assigned Lands (Prohibition of transfers) Act, 1977, there is remedy of appeal to the appellate authority, i.e. Revenue Divisional Officer under the provisions of the A.P. Assigned Lands (Prohibition of transfers) Act, 1977. Inasmuch as it is stated that resumption orders are passed under Section 3(2) of the A.P. Assigned Lands (Prohibition of transfers) Act, 1977, I dispose of the Writ Petition directing the respondents to serve the orders passed against the petitioners, to the petitioners, and the petitioners are permitted to prefer appeal against the said orders, within a period of eight weeks from the date of receipt of this order. If such an appeal is preferred, the appellate authority shall entertain and dispose of the same, on merits. Pending disposal of the appeal, status quo with regard to possession of the land shall be maintained. If no such appeal is preferred within the time stipulated above, it is open for the respondents to take steps in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

-

-

January 20, 2005

Msnr.

To

1. The Dist. Collector,
   Medak at Sangareddy
2 The Revenue Divisional Officer
   Siddipet, Medak Dist.
3 The Mandal Revenue Officer
   Siddipet, Medak Dist.

4. Two cc to Government Pleader for Revenue, High Court of AP, Hyderabad (OUT)

5. Two CD copies.